REMARKS

The Office Action alleges that the application contains claims directed to patentably distinct species, i.e., (a) the species of Fig. 4, and (b) the species of Fig. 5, and requires an election be made between these two allegedly independent or distinct species.

Applicant hereby elects the invention of Species (a), Fig. 4, with traverse.

Applicant also respectfully submits that all pending claims, i.e., claims 1, 2, 5, 6, 9, 10, and 13-16 read on species (a), i.e., Fig. 4.

Initially, Applicant notes that Fig. 4 is clearly disclosed as an embodiment which encompasses a first embodiment of Fig. 5 and a second embodiment of Figs. 6 and 7 – see pages 7-10 of the main body of Applicant's specification. Thus the embodiment of Fig. 4 encompasses the embodiments of all figures directed to Applicant's invention, i.e., Figs. 4, 5, 6 and 7, and all pending claims read on the embodiment of Fig. 4.

Secondly, Applicant notes that it is fundamentally improper for the Office to selectively restrict between just certain species and ignore other disclosed species, as it has done here by refusing to even mention the embodiments of Figs. 6 and 7 to allow applicants to elect examination with respect to those embodiments themselves.

Thirdly, Applicant notes that originally filed claims 1-12, which were examined on their merits in the Office Action dated March 3, 2006, read on all disclosed embodiments, including the embodiments shown in Figs. 4-7, which necessarily includes the species of Figs. 4 and 5. Accordingly, in order to examine original claims 1-12, the Examiner had to thoroughly search all disclosed embodiments, including the embodiments depicted Figs. 4-7. The Examiner found no serious burden in searching and examining claims 1-12 on their merits, and has presented no convincing evidence or reasons why any such serious burden exists. In fact, objective factual evidence of the lack of serious burden required to search and examine claims 1-12 is found in the first Office Action on the merits of this application, which involved the search and examination of all of claims 1-12, which read on all disclosed embodiments. MPEP § 803 clearly states that even if the application contains independent and distinct invention, if the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits. The outstanding Office Action does not address the issue of whether there is no

serious burden on the Examiner and, as a result, does not make out a *prima facie* case that this election of species requirement is proper.

Applicant respectfully submits that there is no serious burden on the Examiner because the Examiner has already examined all of the species because an examination of all originally presented claims, i.e., original claims 1-12, was made on their merits..

Further, in this regard, Applicant respectfully submits that the field of search for all of the species claims is identical and that looking for different arrangements of pixel phosphors will not cause an undue search burden in the same field of search on an Examiner who is a trained, experienced prior art searcher.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Robert J. Webster, Registration No. 46,472, at (703) 205-8076, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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